

**NEW HAMPSHIRE BOARD OF NURSING
MINUTES
June 18, 2015
Philbrook Building
Conference Room B119**

1. CALL TO ORDER

The meeting was called to order by Chairwoman K. Kidder at 8:00 a.m.

Board Members Present: Chairwoman Kathleen Kidder (KK), Karen Baranowski (KB), , Roberta Petrin (RP), Beth Fersch (BF), James Kuras (JK), Cynthia Smith (CS), Nancy Wiggin (NW), and Harley Featherson (HF)

Board Members Absent: Nora Fortin
Tracey Collins
Ann Finn-Waddell

Board Staff Present: Denise Nies, Anita Pavlidis, Carol Brody, Susan Goodness, Suzanne Beauchesne. Sarah Howlett

Others Present: (in addition to scheduled appearances listed below)
Nancy Lightbody, VP of HR, Portsmouth Regional Hospital
Ann Williams, Pharmacy Director, Portsmouth Regional Hospital
Cynthia Fielders, Interim Director, ICU, Portsmouth Reg. Hospital

1.2 Agenda

H. Featherston moved, second by J. Kuras, to approve all Consent Agenda items as presented. Motion passed unanimously.

1.2.1 Additions -- None

1.2.2 Deletions -- None

1.3 Appearances

7.1.1	M. McPhee	8:30 a.m.
7.1.2	B. Duprey	9:00 a.m.
7.1.3	R. Joseph	9:30 a.m.
7.1.4	L. Lucas	10:00 a.m.
9.1.1	M. Romanowski	1:00 p.m.
8.1.1	T. Kellom	1:15 p.m.
8.1.2	D. Maguire	1:30 p.m.
9.1.2	K. DeCristoforo	2:15 p.m.

8.1.3	A. Nielsen	2:45 p.m.
8.1.4	E. Brown Towne	3:00 p.m.
9.1.3	E. Powers	3:15 p.m.
9.1.4	S. Boutin	3:30 p.m.
9.1.5	S. Dodge	3:45 p.m.

2. **APPROVAL OF MINUTES**

H. Featherston moved, seconded by K. Baranowski, to approve the May 21, 2015 meeting minutes as presented. Motion passed unanimously.

3. **REPORT OF CHAIR/MEMBERS** -- No reports provided.

4. **REPORT OF EXECUTIVE DIRECTOR/STAFF**

4.1 Expense Summary Budget – FYI

4.2 Raw Data Discussion

According to Counsel, raw data collected from the nurse renewal survey can be provided to anyone who asks for it. The information is considered “public”.

4.3 Administrative Rules

Denise Nies reviewed proposed changes to Administrative Rules NUR 300, NUR 400. Anita Pavlidis provided a summary of revisions to NUR 600.

H. Featherston moved, second by N. Wiggin, to accept/approve changes to NUR 400 as presented. Motion passed unanimously.

J. Kuras moved, second by R. Petrin, to accept/approve changes to NUR 300 as presented. Motion passed unanimously.

J. Kuras moved, second by R. Petrin, to accept/approve changes to NUR 600 as presented. Motion passed unanimously.

4.4 Diane Chase, RN (discussed under 11.3)

Prescription Drug Management Program: At this time, APRN’s are at a 51% compliance rate. Emails will be sent out by June 30th. A public meeting will be held in August. **K. Baranowski moved, second by C. Smith, to provide a 30 day extension to allow registration. Motion passed unanimously.**

4.5 Permission to share information with law enforcement agency regarding a dismissed case. **K. Baranowski moved, second by H. Featherston, to**

authorize permission to share requested information. Motion passed unanimously.

5. ATTORNEY GENERAL

5.1 June 8, 2015 Adoption of Standing Order Minutes

K. Baranowski moved, second by R. Petrin, to authorize the Executive Director to share ongoing investigatory information with the Attorney General Medicaid Fraud Unit and the Department of Public Health when an emergency suspension of license is recommended and acted upon in circumstances that involve diversion of drugs by licensees.

5.2 NURSYS Alert Verification on Public NURSYS Site

K. Baranowski moved, second by N. Wiggin, to NOT include any indicators visible to the public that indicate an active investigation of a licensee onto the NURSYS public website. Motion passed unanimously.

6. REPORT OF INVESTIGATOR/PROSECUTOR

Board Attorney, Laurel O'Connor, is seeking volunteers to serve as "recused" members in cases.

7. ADJUDICATION

Adjudicative (Investigator/ Prosecutor)

7.1 Hearings

7.1.1. M. McPhee, RN #068342-21

Hearing held for M. McPhee, Docket No. 14-0306-0418, pursuant to the Nurse Practice Act RSA 326-B and the Administrative Rules, Chapter 100 – 800, proceeded at 8:33 a.m. with K. Kidder, Chair, presiding.

Board members present: K. Baranowski (KB), R. Petrin (RP), B. Fersch (BF), J. Kuras (JK), C. Smith (CS), H. Featherston, N. Wiggin (NW).

Board staff present: S. Goodness (SG), S. Beauchesne (SB), L. O'Connor (LO), Hearing Counsel for Board of Nursing.

Reading of Notice of Hearing waived. Respondent was present to offer testimony. **K. Baranowski moved to lift the suspension order on the RN's license. Second by B. Fersch and passed unanimously.** The hearing concluded at 8:45 a.m.

7.1.2 B. Duprey, LNA #052303-24

Hearing held for B. Duprey, Docket No. 15-0549-0480-NA, pursuant to the Nurse Practice Act RSA 326-B and the Administrative Rules, Chapter 100-800, proceeded at 9:05 a.m. with K. Kidder, Chair, presiding.

Board members present: K. Baranowski (KB), R. Petrin (RP), B. Fersch (BF), J. Kuras (JK), C. Smith (CS), Harley Featherston, N. Wiggin (NW).

Board staff present: S. Goodness (SG), S. Beauchesne (SB), L. O'Connor (LO), Hearing Counsel for Board of Nursing.

Reading of Notice of Hearing waived. Respondent was present to offer testimony. **J. Kuras moved to affirm Hearing Counsel's proposed Finding of Facts #1, #2, #4 - #11 and amend #3 to read July 17, 2015; amend #1 of Hearing Counsel's proposed Rulings of Law and affirm #2; affirm Hearing Counsel's Proposed Sanctions #4 - #7, deny Proposed Sanctions #2, #3, and amend Proposed Sanctions to impose a reprimand ordering Respondent to complete a course on "Patient Rights". Second by C. Smith and passed unanimously.**

Pursuant to RSA 91-A:3 II, **K. Baranowski moved, second by J. Kuras, to enter non-public session at 9:12 a.m. for the purpose of discussing alleged licensees misconduct.** Minutes of non-public session shall be sealed. Board voted as follows: YEA: KB, RP, BF, JK, CS, HF, NW, KK.

H. Featherston moved to re-enter public session at 9:30 a.m. Second by C. Smith. Motion passed unanimously.

7.1.3 R. Joseph Jr., Suspended RN #039062-21

Hearing held for R. Joseph, Jr., Docket No. 14-0303-0415 pursuant to the Nurse Practice Act RSA 326-B and the Administrative Rules, Chapter 100-800, proceeded at 9:35 a.m. with K. Kidder presiding.

Board members present: K. Baranowski (KB), R. Petrin (RP), B. Fersch (BF), J. Kuras (JK), C. Smith (CS), Harley Featherston, N. Wiggin (NW).

Board staff present: S. Goodness (SG), S. Beauchesne (SB), L. O'Connor (LO), Hearing Counsel for Board of Nursing.

Reading of Notice of Hearing waived. Respondent present to offer testimony. **H. Featherston moved, second by N. Wiggin, to defer decision pending receipt of sex offender evaluation report. Motion passed unanimously.** Hearing concluded at 10:04 a.m.

7.1.4 L. Lucas, RN, VA Compact Licence

Hearing held for L. Lucas, Docket No. 15-0601-0481 pursuant to the Nurse Practice Act RSA 326-B and the Administrative Rules, Chapter 100-800, proceeded at 10:15 a.m. with K. Kidder presiding.

Board members present: K. Baranowski (KB), R. Petrin (RP), B. Fersch (BF), J. Kuras (JK), C. Smith (CS), Harley Featherston, N. Wiggin (NW).

Board staff present: S. Goodness (SG), S. Beauchesne (SB), L. O'Connor (LO), Hearing Counsel for Board of Nursing.

Reading of Notice of Hearing waived. Respondent present to offer testimony. **K. Baranowski moved, second by N. Wiggin, to affirm Hearing Counsel's proposed Findings of Facts #1, #3 - #14 and amend #2; affirm Hearing Counsel's proposed Rulings of Law #1, #3 - #5; affirm Hearing Counsel's proposed Sanctions #2 - #7 and amend proposed Sanction #1 that the RN be fined \$2500, have license suspended for two years, and be required to take a medication administration course.** Hearing concluded at 11:30 a.m.

Pursuant to RSA 91-A:3 II, **N. Wiggin moved, second by C. Smith, to enter non-public session for purpose of discussion of alleged licensees misconduct.** Minutes of non-public session shall be sealed. Board voted as follows: Yea: HF, KK, KB, RP, BF, JK, CS, NW. Non-public session began at 11:43 a.m.

C. Smith moved, second by J. Kuras, to re-enter public session at 12:17 p.m. Motion passed unanimously.

- 7.2 Consent Decree/Settlement Agreement/Voluntary Surrender/Preliminary Agreement for Practice Restrictions
- 7.3 Motion for Reconsideration/Rehearing/Continuance/Prehearing Conference Order
- 7.4 Dismissals (Proposed)

Under Consent Agenda, the Board approved the following dismissals as proposed.

- 7.4.1 L. P., RN
- 7.4.2 K. K., LNA
- 7.4.3 D. P., RN

8. ADJUDICATIVE (EXECUTIVE DIRECTOR)

8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions

8.1.1. T. Kellom, LNA #000882-24

Licensee requests that her LNA license be reinstated. **R. Petrin moved, second by C. Smith, to deny request for reinstatement of LNA license. Motion passed unanimously.**

8.1.2. D. Maguire, LNA #016510-24

Licensee is requesting the reinstatement of her Voluntarily Surrendered LNA license. **K. Baranowski moved, second by B. Fersch, to approve reinstatement of LNA license. Motion passed unanimously.**

8.1.3. A. Nielson, LNA #022594-24

Licensee is seeking approval to modify Board Order of March 23, 2015 relative to work hours. **K. Baranowski moved, second by H. Featherston, to adjust the Board's March 23, 2015 decision to allow LNA to work two 12 hour days or 40 hours/week. All other stipulations remain in place. Motion passed unanimously.**

8.1.4. E. Brown Towne, RN #050916-21

Licensee requests the Board issue her a compact license, instead of a single state NH license for the purpose of completing her probation in NC. (quarterly reports??). **N. Wiggin moved, second by B. Fersch, to release licensee pending documented NC acceptance of conditions as prescribed by Board Order dated April 22, 2011. Motion passed unanimously.**

8.2 Recommendations (Proposed)

Under Consent Agenda, the Board approved the following recommendations as proposed.

8.2.1 D. P. (BF recused)

8.2.2 D. L. (BF recused)

8.2.3 H. G. (BF recused)

8.2.4 S. B. (BF recused)

8.2.5 C. D. (TC recused)

8.2.6 N. C. (KK recused)

8.2.7 C. V. (KK recused)

9. CLINICAL PRACTICE

9.1 Licensure issues

9.1.1 M. Romanowski, LNA #051185-24 – did not appear

9.1.2 K. DeCristoforo, RN #059031-21

Appeared before the Board. **B. Fersch moved, second by N. Wiggin, to provide a warning with suspension. Motion passed unanimously.**

9.1.3 E. Powers, LNA Licensure

Appeared before the Board. **K. Baranowski moved, second by B. Fersch, to reinstate LNA license. Motion passed 5-3 (J. Kuras, C. Smith, R. Petrin opposed).**

9.1.4 S. Boutin, LNA Licensure

Appeared before the Board. **K. Baranowski moved, second by N. Wiggin, to renew LNA license. Motion passed unanimously.**

9.1.5 S. Dodge, LNA Reinstatement

Appeared before the Board. **B. Fersch moved, second by N. Wiggin, to approve reinstatement of LNA license. Motion passed unanimously.**

9.1.6 K. Leroy, LNA/MNA

K. Baranowski moved, second by C. Smith, to approve coursework as required by Board Order dated February 25, 2014. Motion passed unanimously.

9.2 Licensure – non-appearances

The Board reviewed the following licensure issues and approved all under Consent Agenda.

9.2.1 S. T., LNA Initial Licensure

9.2.2 K. L., RN Initial Licensure

9.2.3 L. L., LNA Licensure

9.2.4 D. R., LNA Initial Licensure

9.2.5 J. S., LNA Initial Licensure

9.2.6 K. S., LNA Initial Licensure

9.2.7 A. S., LNA Licensure

9.2.8 M. R., LNA Licensure

10. EDUCATION

10.1 Consideration for Approval Status

10.2 New Programs

10.2.1 Sullivan County Health Care – MNA Program - Carol Brody, Program Specialist, reported that a site visit review of May 28, 2015 revealed a well-organized MNA program that met 100% of NUR 800 requirements.

10.3 Educational Issues

10.3.1 Harmony Healthcare - A. Pavlidis, Program Specialist, provided comments from a site visit of June 8, 2015. K. Baranowski accompanied. **N. Wiggin moved, second by H. Featherston, to extend program approval for an additional 60 days and re-review the matter at the Board's August meeting following receipt of the results of a comprehensive financial audit. Motion passed unanimously.**

10.3.2 Lakes Region Community College - The college has requested that the Board approve the first course of a revised Level I curriculum. A. Pavlidis provided a summary of revisions. Additional revisions will be available in July. **B. Fersch moved, second by N. Wiggin, to postpone Board decision until after the college presentation in July. Motion passed unanimously.**

10.4 Days of Discussion

10.4.1 RN/LPN Day of Discussion - Scheduled for August 27th from 1:00 to 5:00 p.m. with focus on nurse education. Need volunteers to serve on a small Board panel. SNHU will host the meeting and provide refreshments.

10.4.2 LNA Day of Discussion – Scheduled for June 24th from 9:00 a.m. to 1:30 p.m. in the Walker Building.

10.5 Workforce Center Project – No report provided.

11. PRACTICE INQUIRIES and PRACTICE COMMITTEE REPORTS

11.1 Liaison Committee -- No report provided.

11.2 P&E Committee

Minutes of the May meeting have been posted online. Next meeting of P&E scheduled for June 22, 2015.

11.3 Request for Board Advice

Inquiry regarding an RN's practice.

Diane Chase is a nurse who is creating an independent practice and plans to perform acupuncture as part of her practice. The Board asked that Diane Chase appear at its July meeting to discuss the matter further.

12. **LEGISLATION**

Discussion of HB 483, HB 484 and HB2 – Nothing new to report.

13. **NATIONAL COUNCIL**

13.1 NCSBN: 2015 Environmental Scan – Executive Summary -- FYI.

14. **OLD BUSINESS** -- None

15. **CORRESPONDENCE/ARTICLES/FYIs**

15.1 Update on SEDASYS System - FYI

16. **ADJOURNMENT**

The meeting was adjourned at 3:55 p.m.